DOCKET NO.: NIHB-2428 PATENT

**Application No.:** 10/789,400

Office Action Dated: March 9, 2009

This listing of claims will replace all prior versions, and listings, of claims in the application.

**Listing of Claims:** 

1. (Currently Amended) An attenuated, replication competent recombinant human

metapneumovirus (rHMPV), comprising a recombinant HMPV genome or antigenome of

SEQ ID NO: 1 or SEQ ID NO: 2, comprising one or more attenuating nucleotide

modifications including a partial or complete deletion of the rHMPV M2-2 ORF or one or

more nucleotide substitutions that ablates expression of the rHMPV M2-2 ORF, and a major

nucleocapsid (N) protein, a nucleocapsid phosphoprotein (P), and a large polymerase protein

(L) of a HMPV.

2. (Canceled)

3. (Original) The rHMPV of claim 1, wherein the recombinant HMPV genome or

antigenome further comprises a detectable heterologous sequence encoding a polypeptide.

4. (Original) The rHMPV of claim 3, wherein the detectable heterologous sequence

encodes a reporter.

5. (Original) The rHMPV of claim 4, wherein the reporter comprises green

fluorescent protein (GFP).

6. (Previously Presented) The rHMPV of claim 3, wherein the detectable heterologous

sequence is operably linked to a HMPV gene transcription start signal and to a HMPV gene

end signal.

7.-14. (Canceled).

15. (Previously Presented) The rHMPV claim 1, wherein the one or more attenuating

nucleotide modifications comprises one or more nucleotide substitutions that ablates

expression of a rHMPV M2-2 ORF.

16. (Previously Presented) The rHMPV of claim 15, wherein the one or more

nucleotide substitutions that ablates expression of the rHMPV M2-2 ORF comprises one or

more nucleotide substitutions that ablates one or more potential translation initiation codons

Page 2 of 4

DOCKET NO.: NIHB-2428 PATENT

**Application No.:** 10/789,400

Office Action Dated: March 9, 2009

of the rHMPV M2-2 ORF or introduces one or more in-frame stop codons into the rHMPV M2-2 ORF.

17.-57. (Canceled)

58. (Previously Presented) The rHMPV of claim 16, that demonstrates a ten-fold or

more reduction in growth in the presence of interferon, but is not attenuated when growing in

the absence of interferon.

59. (Previously Presented) The rHMPV of claim 18, that demonstrates a ten-fold or

more reduction in growth in the presence of interferon, but is not attenuated when growing in

the absence of interferon.

60.-61. (Canceled)